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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,073	01/31/2001	Yasufumi Ichikawa	33220	7828

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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,073

Applicant(s)

ICHIKAWA, YASUFUMI

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1, 10 and 14 have been considered but are not persuasive.

In response to applicants argument "Bontu does not teach any means of changing a transmission power control step range. Instead, the reference teaches incrementing or decrementing a transmitted power by a single range of +0.5dB. In fact, the Examiner admits this on page 3 of the Office action, when the Examiner states that Bontu teaches providing a varying power transmission power by a small step size such as +0.5dB". The Examiner does not point out any teaching where this range is changed. Thus, the reference does not teach the step range changer of the invention. The Examiner respectfully disagrees; Bontu et al. disclose a single bit 0 or 1 power control command the mobile terminal to increase/decrease +/-0.5dB respectively. The power command is sent in plurality times in order to accommodate the quality signal levels of communications. Each time the mobile increase/decrease power according to a power command corresponds to "step", for example, in order for the terminal increases 1.5dB, the mobile will make 3 steps increase and each step is 0.5dB . The specific amount of power +/-"0.5dB" corresponds to "range" of claim limitation.

Applicants argument "Further, the Examiner has not provided the proper motivation for combining the references. The burden is on the Examiner to make a prima facie case of obviousness (MPEP j2142). The Examiner merely cites an advantage of the secondary reference as a reason for modifying the primary reference.

Art Unit: 2684

This is not proper motivation, because every secondary reference will have some advantage". As Bontu et al. disclose under the "BACKGROUND" section, which covers Sawahashi's deficiency by specifically disclose a well known in the art how to increase/decrease power in small step range for the purpose of (motivation) maintain a transmitted signal power that is relatively constant (as suggested by Bontu, see col.1 lines 55-64).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawahashi et al. (US Patent 5,590,409) in view of Bontu et al. (US Patent 6,418,137).

Regarding claims 1 and 10-11, Sawahashi et al. disclose a transmission power control feature for controlling the transmission power of a local station by using the transmission power control bit transmitted from a distant station (base station 200) to the local station (mobile station 100), comprising:

Communication state detector which detects the communication state based on the reception power of a received signal transmitted from the distant station (base station 200, see S1-2, fig.4).

Art Unit: 2684

Transmission power control range changer which changes the transmission power control range corresponding to the transmission power control bit based on the detected communication state (see S3-S8, fig.4 and col.8 lines 14-57).

Sawahashi et al. fail to disclose "power control step range changer".

Bontu et al. disclose "transmission power control step" (see col.1 lines 55-64). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sawahashi with the above teaching of Bontu et al. in order to provide varying power transmission relatively constant in small step size such as +/- 0.5DB.

Regarding claims 2-3, 13 the modified Sawahashi et al. disclose communication state detector has a reception power change detector which detects a change in reception power in a mobile station (see Sawahashi, S3-5, Fig.4).

Regarding claim 4, the modified Sawahashi et al. disclose said communication state detector has a control state detector which detects the control state of the local station (mobile station 100, see Sawahashi, S4, fig.4).

Regarding claims 5-6, 12, the modified Sawahashi et al. disclose said communication state detector has a mobile station transmission power change detector which detects a change in transmission power in the local station (mobile station 100, see Sawahashi, S1, S7-8, fig.4).

Regarding claims 7 and 15, the modified Sawahashi et al. disclose compares a previous reception power with a current reception power (see Sawahashi, col.4 lines 20-27).

Regarding claims 8 and 16, the modified Sawahashi et al. disclose a fading pitch of reception power (see Sawahashi, col.3 lines 7-20).

Regarding claims 9 and 18, the modified Sawahashi et al. disclose compares the reception power with a predetermined threshold (see Sawahashi, col.4 lines 21-22).

Regarding claim 14, the modified Sawahashi et al. disclose everything as claim 1 above. More specifically, the modified Sawahashi et al. disclosed said transmission power control range changing step changes the transmission power control range depending on the detected change in transmission power in the mobile station and the detected change in the transmission power control bit (see Sawahashi, S4-5, fig.4).

Regarding claim 17, the modified Sawahashi et al. disclose everything as claim 7 and 8 above.

Regarding claim 19, the modified Sawahashi et al. disclose a computer-readable recording medium for storing a program for use by a computer for executing the transmission power control method for the radio communications apparatus (see Sawahashi, col.8 lines 14-22, it is inherent that the mobile station carries out the processing steps by the stored executable programming instructions).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2684

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

April 20, 2005

NAY MAUNG

SUPERVISORY PATENT EXAMINER